

KEARNS' ENGINEER COVERED UP MAPS

Testimony of Charles P. Brooks Entered in Silver King Consolidation Struggle.

TACTIC FALSIFICATIONS.

On Cross Examination Is Shown Purported True and Correct Blueprints of Mine Were False.

In the voluminous mass of testimony adduced in the long struggle of the Silver King Consolidated Mining Company to secure from the Silver King Coalition Mines company an accounting for several millions of dollars worth of valuable ore alleged to have been surreptitiously abstracted from jointly owned properties, many interesting sidelights are thrown on Tom Kearns' code of business ethics as adapted to mining operations.

From one of the testimony, that given by Charles P. Brooks, engineer for the Kearns clique, it is to be gathered that concealment of facts and tactic falsification of maps is justifiable when one seeks to the possession of another man's property, discovered unknown to the owner that it contains valuable ore bodies.

Under the cross-examination of Engineer Brooks, and for the purpose of showing the arts of deception as practiced by Mr. Kearns, it was brought out that when the negotiations for the purchase of the Jim McGregor property were pending, the Kearns outfit, after having explored the Magnolia-St. Louis claims, had failed to produce upon what purported to be a true and correct map, the long cross-cut through which Kearns had entered the McGregor properties. It was further admitted that while the map was being exhibited to Mr. McGregor, certain portions of it were covered and hidden from him. The cross-examination of Mr. Brooks, which tells the story of the deceptive map, follows in part:

Q—To Mr. Burton, and Mr. McGregor, what portion did they direct you to show to them?

A—Everything that lay to the west. I would have to look at that—well, beyond certain lines drawn, I think it was along the side line of the Eldorado.

Q—From the northeast to the southwest?

A—Well, I would have—

Q—Does the Eldorado show on that map?

A—It does show on map, exhibit U.

CROSS CUT NOT SHOWN.

Q—Did it reveal the underground workings in that direction?

A—I think it did, practically all of it, except I think that perhaps that one piece of work, the drift was not; the main drift of the 700 and one branch of it that went into the Magnolia was shown. The cross cut was not shown.

Q—The what?

A—The cross cut running from the main line of the 700 was not shown.

Q—That is the cross cut which you say had surveyed prior to that time to a certain point, and in which the bulkhead was located?

A—Was not shown on that map?

A—Yes.

Q—And you at that time knew that cross cut existed?

A—I did.

Q—And you knew it was timbered up so as to represent a cave going through there; that there was no such cross cut leading out from the main level?

A—I knew it was timbered up.

Q—And you further knew that anyone going through there would not be able to ascertain that there was any such cross cut leading off from the main level, didn't you?

A—Yes.

Q—And you knew at the time that Mr. McGregor and Mr. Burton were endeavoring to discover the underground workings that had been prosecuted by the defendant company into the Magnolia and St. Louis claims and through them?

A—I knew they were in there making examinations.

Q—And you knew they were trying to discover that, didn't you?

A—Yes, sir.

Q—You know that was what their purpose was when they looked at that map?

A—Yes, sir.

DID NOT TELL THEM.

Q—You didn't tell them of any other workings existing which you had previously surveyed and which you knew was covered up by the timber that you spoke of?

A—I did not.

Q—You told them that map was a correct map of the underground workings of the Silver King Mining company in that direction?

A—I did not tell them anything about it; I did not use any such words.

Q—What did you say?

A—I said that was our working map of the mine.

Q—Did you say it did or did not correctly represent the work down there?

A—I said so far as the workings are represented on that map it showed them correctly, and it did.

Q—Did you say it that way, so far as the workings represented on that map?

A—I don't remember the exact language, but that was my statement to them that everything that they saw on that map, was correct.

Q—That is, your statement was so made as that it would evade what you knew they were trying to get from you?

A—I left it open to them to study.

Q—Answer the question.

A—What is the question?

(Question read.)

Q—Is not that true?

A—Yes; I was not telling them anything.

Q—You were trying to reveal it—you were trying to conceal it?

A—I was not furnishing them with any information.

Q—Was not a map shown to them with the plane drawn through the Eldorado that you spoke of before the discovery of the bulkhead?

A—I think it was.

Q—You know it was, don't you?

A—Well, yes; I believe it was.

COVERED UP PART OF MAP.

Q—And when you come to this plane drawn through the Eldorado, you simply unfolded your map and laid something over the map, running to the northwest of the plane, which would be cut through the Eldorado?

A—Yes, sir; I covered up the rest of the map.

Q—You covered up the rest of the map so that they could not see it?

A—Yes, sir.

Q—Now, didn't you do that under the direction of counsel for the defendant, as you have previously testified?

A—I am trying to think whether

had any directions from him or whether

it came from Mr. Dailey. I know I had directions from Mr. Dailey in regard to that, but whether I had any from counsel or not—I thought perhaps I must have had, but I would not be positive about the matter.

Q—At any rate you did it under the direction of one of the officials of the Silver King Mining company?

A—I did.

Q—You never plotted that portion upon your working map did you, that little cross cut?

A—No.

Q—Because it led from the main level into somebody else's territory?

A—I don't remember whether that was the reason or not.

Q—Were you directed by the officials of the Silver King Mining company to omit that from your plot?

A—I don't remember of any such directions.

Q—You can't tell us at the present time whether you did omit that from the plot?

A—Except that I did not care to show it under that territory.

Q—Why didn't you care to show it in that territory?

A—Because we did not want to show it, is all.

Q—Why not? What was the reason for not showing it?

A—They were not showing work at that time under any territory.

Q—That did not belong to you?

A—That did not belong to us.

Q—But if you did go under that territory that did not belong to you, you omitted it from the map?

A—In that one instance I did.

Q—But that the only instance you did it?

A—That is the only instance I know of.

GUARDED STATEMENT.

Q—And when you showed to Mr. Burton and McGregor the map that you thought had, a correct plot of substance or effect, a correct plot of the underground workings of the Silver King Mining company in that vicinity without saying to them about any cross cut which had been plotted upon it, you so framed your statement as to mislead Mr. McGregor and Mr. Burton as to the true workings that existed in that vicinity, didn't you?

A—I don't know, as I framed the statement; I made the statement, I made the statement I have already made to you.

Q—You made that statement guarded?

A—I did.

Q—For the purpose of deceiving them, didn't you?

A—For the purpose—I did not intend to convey them any information.

Q—You did it for the purpose of deceiving them, didn't you?

A—I did not intend to convey them any information.

Q—You have not answered my question put to you. You did it for the purpose of deceiving them, didn't you?

A—Did what?

Q—Made that statement in that guarded manner?

A—I made it for the purpose of giving them no information.

Q—But it was to deceive them, was it not?

A—if they were deceived.

Q—You did it for that purpose?

A—I did it for the purpose of giving no information regarding it.

Q—It was your intention at that time to deceive them as to whether or not that work did exist under their claims, was it not?

A—I was not intending to give them any information in regard to that work.

Q—And in that you say you intended to deceive them?

A—in that way yes.

Q—in answer to a question that I have put to you on cross-examination have you so framed your answer as to conceal from us, or with the intent to conceal from us, any information to which we were entitled and to which you thought we were entitled, or to which you thought we were not entitled?

A—that is a pretty hard question to answer—I have not told you all I know or volunteered anything, and I don't intend to.

Later when coached by the counsel for the defendant Mr. Brooks protested that he had not meant to give the inference that he was not telling all he knew or did not intend to but on the contrary would answer all questions put to him, and to the best of his ability.

EARLY CLOSING MOVEMENT.

Proposition to Close Stores Saturday Evenings Receives Impetus.

The movement for the early closing of retail stores in the city on Saturday nights received another impetus at the meeting of the executive committee of the Retail Trade Association, held at the Federal of Labor hall last night. There were present Abe Martin, president of the association; C. A. Palmquist, secretary, and A. Knowlton, White and Leberthal of the organization. A slogan bearing a legend something similar to the following, will be adopted: "Shop early, 16 hours would make a week." The matter will be taken up by the different trades unions, and the Ministerial Association has already promised its support to the movement. The support of the five stakes will be sought, and more meetings and newspaper advertisements will be used in furthering the early closing propaganda.

TENDER HEARTED COPPER.

A Home Made Warm and Happy by Biz Policeman.

That all policemen are not hard hearted was attested Friday night when Patrolman J. C. Armstrong caught Eddie Buckman, aged 15 years, and his little sister Annie, aged 13 years, taking coal from the Western Pacific yards.

"I know I was doing wrong," said the little boy, "but please let little sister go. She was only watching me."

The boy explained that he was the sole support of his sister and their aged grandmother who was sick and crippled.

Patrolman Armstrong muttered something that sounded like a swear word. Then he picked up a sack containing a small amount of coal, shoveled more coal into the sack and carried it to the yard office. What he said to the man in charge there is not known, but the big policeman and the children went to the Buckman home where Patrolman Armstrong made up a good fire and made the two orphans and their grandmother as comfortable as possible.

JINKS AT PRESS CLUB.

Farwell to Parley Jensen Was an Affair of Some Noise.

"Jinks." The one word explains the noise and laughter that came from the Press club's rooms Friday night. The occasion was a farewell party in honor of Parley Jensen, who leaves soon for the east to study law. Those who attended the "Jinks" had a great time and it was nearly daylight before the rooms were deserted.

A Dutch lunch was served and there were stories and songs. One of the features was the entertainment furnished by Leon Rogers, now appearing at the Mission, who gave a clever act of imitations. Others who contributed to the fun were Horace Ensign, Kenneth C. Kerr, Alex Campbell, H. L. A. Culmer, Ed. Penrose and the Temple City quartet.



NEW SHIPMENT OF HUMMOBILES.

One of the most noticeable and unusual features that has been witnessed here for a long time was seen yesterday when a string of Hummobiles nearly a block long were drawn up from the depot. The Motor Company, agents for the Hummobile for Utah and Idaho, had just received a three carload shipment and yesterday was put in unloading cars. Most of these cars have been sold. Among them was a chassis stripped, showing the mechanical construction of the car in detail. Another Hummobile, fully equipped, was also on display. This car was equipped with everything required in the automobile line consisting of electric lights, top, glass front, trunk rack and the carriers. These cars will be on exhibition at the Salt Lake Automobile Show and are certainly beautiful both in design and workmanship. Mr. Savage of The Motor Company advises us that the railroad company advised him that they have two carloads more which consist of shipments from the Moon Motor Car Company of St. Louis and one carload from the Warren-Detroit.

The Moon car is one that attracted

much interest during the recent New York show. Its luxurious appearance appeals to the most fastidious eye. Its motor, which is designed by the designer of the Packard, embodies all the requirements in power and speed necessary for the western conditions. Its long wheel base and elegantly roomy upholstered seats makes it a most pleasant car for touring. The Warren-Detroit has practically the same motor as the Hudson, in fact its promoters were formerly the foremost engineers of the Hudson plant. They, however, are building a car for \$1,100 with a much larger engine and longer wheel base than the Hudson. This car promises to be a great favorite among that class that wants something snappy in appearance still yet powerful and speedy.

We have received numbers of letters from people throughout the state as well as Idaho, advising us of their intention to visit our automobile show, which promises to be a decided success and to draw large crowds from the Eastern cities. We are busy making every preparation and getting our cars in readiness for the opening Saturday where we expect to entertain hundreds of people from all parts of the State.

LEASES FOR GRAZING AWARDED BY BOARD

Land Within Forest Reserves Allotted Friday at From Ten to Sixty-two Cents an Acre.

The state board of land commissioners completed the award of leases on state lands within forest reserves for grazing purposes Friday. Thirty-eight leases were awarded, the price ranging from 10 cents to 62 cents per acre. The leases run for one year and the total amount of land leased was 30,000 from which the state will receive about \$6,000. The following is the result of the bids received and the awards made by the board:

Catch National Forest—C. M. Peterson, 10c; Aquila Nebeker, 10c; Hyrum Hatch, 10c; John Wilkinson, 10c; Hyrum Nebeker, 10c; Hyrum Adams, 11c; H. J. DeWitt, 10c and 11c; Joseph Hodges, 10c; Joseph Ward, 10c; John W. Burton, 10c; Thomas H. Obrey, 10c.

Utah National Forest—Bernard J. Stewart, 10c; T. J. Chipman, 12c; Chipman Bros., 11c.

Neb National Forest—J. W. Brough, 12c.

Manti National Forest—P. P. Anderson & Co., 15c; J. Johnson, 17c; Peter May, 23c; Fred D. Smith, 21c; Andrew H. Anderson, 33c; Nils Matson, 26c; W. P. Allred, 62c; Andrew H. Anderson, 31c; John H. Seely, 10c; Joseph Christiansen, 16c; William J. Hyrum Seely, 10c and 10 1/2c; George Fox, 10c; Peter Olson, 21c.

La Sal National Forest—J. M. Cunningham, 10c.

Fish Lake National Forest—Alma Murphy, 11c; L. R. Anderson, 11c.

Sevier National Forest—Thos. Sevy, 10c; Thomas Haycock, 10c; W. T. Owens, Jr., 12c; J. K. Paramore, 10c; S. J. and William G. Ward, 10c; Ira W. Hatch, 10c; John Dodds, 10c.

The following applicants offered an equal rental and are to be notified to make the best bid for the respective tracts upon which they submitted tenders:

H. J. DeWitt, Joseph W. Ward, A. James Aagard, James L. Nielson, William J. and Hyrum Seely, George Fox.

The applications of the following applicants were rejected because of higher bids by other applicants, and in one or two instances because the land applied for does not belong to the state:

P. A. Keyte, James W. Anderson, Jr., J. Aagard, F. C. Jensen, Sven O. Nielsen, Fera L. Young, John H. Seely, Guy R. Olson, George E. Cook, James L. Nielsen, N. M. Anderson, Fairview Sheep company, Janet Jorgensen, Stephen E. Jensen, Warren Holman, F. C. Jensen, Peter E. Anderson, Edgar Madsen, John A. Anderson, C. L. Johnson, Jamison G. Anderson, Jr., J. Aagard, Nephi Anderson, Peter Jacobson, John K. Madsen, John H. Seely, John K. Madsen, Moon Brotherson, George P. Peterson, Edgar Madsen, W. H. Tebbes.

UNUSUAL OCCURRENCE.

Pat Moran Awarded a Contract by Board of Works.

P. J. Moran, the official contractor, was the successful bidder on laying water-mains for the year. His bid was \$48,000, being \$9,000 lower than the next bidder and \$8,000 lower than the city engineer's estimate of the work. The other bids were: James Kennedy Construction company, \$59,425.88; Doyle Brothers & Schwartz, the successful bidders last year, \$55,701.50; McKay & Reed, \$54,475.95.

Eight bids were received on the conduit at Twelfth South and Eleventh East street. The Moran Construction company's bid of \$5,895.98, nearly \$2,000 below the city engineer's estimate. The contract provides that the work shall be as follows: P. J. Moran, \$7,230.52; McKay & Reed, \$54,475.95; Chaffin & Cutler, \$7,601.81; Strange & Maguire, \$7,343.24; Zerbe & Walker, \$7,201.29; Gillis Construction company, \$5,227.07; Steadman & Ahlstrand, \$5,227.40.

WESTERN PACIFIC RESUMES.

The Western Pacific railroad is again open for traffic, the breaks in the track caused by the recent windstorm on the lake having been repaired.

INDIAN'S TRIAL ENDED.

United States Marshal James H. Anderson has received word from Chief Deputy Lucian H. Smyth at Bluff, San Juan county, that the hearing at that place of the case of Zhi-ne, an Indian, charged with killing a white man on the Navajo reservation last fall, has been concluded. The case against the Indian was conducted by Assistant United States District Attorney Wm. McGee, who went to Bluff with Deputy Marshal Smyth, for the purpose. The officials will return to Salt Lake in a few days.

CAMPAIGN OPENS FOR PUBLIC PLAYGROUNDS

Speakers Advocating the Proposition Will Address Audiences on Subject Sunday and Monday.

The Public Play Grounds association of Salt Lake will begin an active campaign on Sunday morning at 11 o'clock, when the following speakers will be heard on the subject:

Thirty-first ward chapel, Prof. B. S. Hinkley.

Twenty-first ward chapel, Arthur W. North.

Eighteenth ward chapel, Harold Stephens.

Twentieth ward chapel, Carl Badger.

Twelfth-Thirteenth ward chapel, George Snow Gibbs.

On Monday evening at 8 o'clock, Rev. M. W. Rice will lecture on the same subject, at St. Paul's Episcopal church.

These lectures will furnish an opportunity for ascertaining what has been done in other cities, and those interested earnestly hope that a strong sentiment will be awakened, and that Salt Lake City will see the importance of falling into line with the cities that are so successful in this line.

It is anticipated that large audiences will greet them.

TALKS ON GENEALOGY.

Elder Joseph F. Smith, Jr., secretary of the Genealogical society, will speak in the Provo tabernacle Sunday taking as his subject "Salvation for the Dead." In the wards of Liberty stake Sunday evening the society speakers will be: First ward, Elder Joseph S. Feary and Elder N. N. Gates; Twenty-first ward, S. J. and William G. Ward, Elder Hattie C. Jensen, and Liberty ward, Elder A. Ramseyer and Elder Richard Horne.

ENGINEERS DISCUSS WATER.

At Friday evening's meeting of the Utah Society of Engineers, Civil Engineer Shesley said it had been estimated that 1,200,000 acres of waste land in Utah would ultimately be reclaimed at a cost of \$60,000,000, or \$50 per acre, which meant an increased annual crop value of over \$80,000,000, with homes for half a million people. Mr. Shesley thought the greatest development would be along the Colorado river's tributaries where vast tracts may be redeemed by irrigation. He also held that the streams of the state could be utilized to the extent of 900,000 electrical horsepower.

DESERET NEWS GIRL WINS SKATING PRIZE

There were 2,000 skaters on the floor of the Auditorium rink Friday night and at least 500 spectators. The occasion was the first mask carnival of the season and it was a big success in every particular.

The costumes were beautiful and varied and there was plenty of excitement in the races. In the contests for prizes for costumes, Miss Annie Hilton, daughter of Policeman Hilton, won the prize for the best paper dress. The dress was of the Princess design and a big Merry Widow hat made of paper added to the effect of the costume. The dress and hat were made entirely of copies of The Deseret News.

Maggie Dunlop won the free-for-all race for girls, Miss Chatterton was awarded the prize in the couple race, Charles Schofield won the clown's race and John Evans captured the free-for-all for men.

Mrs. Wheelock's Wafer and Patty Irons just in—Z. C. M. I. Hardware Department.

COAL TIME

Do not let your supply run too low.

"PEACOCK"

"Rock Springs"

IS STILL LEADER.

Central Coal & Coke Co.

40 West 2nd South St.

Phone: Bell Ex. 25. Ind. 2600.

KEITH O'BRIEN Co

The Big Sale of SPRING SHOES and OXFORDS Will Continue Next Week

Hundreds of women are waiting for these bright, new, beautiful oxfords and shoes. They know the high character of footwear which we carry; they know the long wearing qualities; they know that the sale is genuine and that the price advantages are unusual; they know what service means at this store.

\$3.45—WOMEN'S OXFORDS—Fifteen styles in new spring oxfords, which have just been received. They are included in the sale at this price.

Women's high cut storm or vacation boots; we carry several styles, they are all reduced this week.

\$3.45—WOMEN'S DRESS SLIPPERS, OXFORDS AND PUMPS—A splendid assortment of bronze, satins, kids, suedes and patents, in fact any style in stock, as well as beaded effects. You should have a pair for evening or dress wear—values \$5.00 and \$6.00.

\$3.95—MEN'S SHOES AND OXFORDS—You know we have one price only, \$5.00. They are the best, but during this sale we will give you the profit.

\$3.45—WOMEN'S SHOES. Values \$5.00, \$6.00 and \$7.00; with two exceptions you may have any pair of shoes in our great stock. You may take your choice. All are well known makes.

\$3.50—We have about 100 pairs Jersey leggings left, for women and children; they sold for \$1.00.

\$1.00—Women's boudoir slippers, in red, black, brown and blue.

\$3.45—WRIGHT & PETERS' high grade footwear for women, which sells regularly at \$5.00 to \$7.00. We must have room for spring oxfords, which are coming in fast.

\$2.25—BOYS' HIGH CUT BOOTS, worth \$3.50 to \$5.00. They cost us more than the sale price. Your choice of any pair left. They are sensible and serviceable footwear for boys.

\$2.95—BOYS' HIGH GRADE SHOES, patents, calf and kid Goodyear welts and the best made.